

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY COUNCIL MEMBER DOUG ALEXANDER
AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

01-0-1701

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I OF THE CITY OF ATLANTA CODE OF ORDINANCES TO CREATE A NEW SECTION 10-93 TO PROVIDE AN EXEMPTION FOR ESTABLISHMENTS LICENSED TO SELL WINE AND/OR MALT BEVERAGES BY THE PACKAGE WHICH ARE LOCATED WITHIN THE MIDTOWN COMMUNITY IMPROVEMENT DISTRICT, ARE ON PEACHTREE STREET OR ROAD, ARE ADJACENT TO RESTAURANTS WHICH HOLD LICENSES TO SELL ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION, AND WHICH MEET OTHER REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating the sale of alcoholic beverages within its city limits, and it has in place certain regulations which provide that distance requirements must be met in order to obtain a license to sell alcoholic beverages; and

WHEREAS, certain areas of the City of Atlanta are being revitalized and are being built to take advantage of the opportunity to establish an environment of in-town living which caters to the convenience of the residents and businesses therein; and

WHEREAS, one of the areas that is currently undergoing revitalization is the area known as "Midtown," and

WHEREAS, on March 9, 2000, the City of Atlanta passed legislation which approved the creation of the Midtown Community Improvement District, a public improvement district created to offer enhanced safety, maintenance and capital improvement projects in Midtown Atlanta; and

WHEREAS, in addition to the creation of the Midtown Community Improvement District, several studies have been performed in regard to "Midtown," including a comprehensive study known as "Blueprint Midtown" which contains numerous recommendations which encourage a compatible mixture of residential, commercial, cultural and recreational uses and which create an urban environment in which people can live, work, meet and play; and

WHEREAS, the City of Atlanta recognizes that this type of community presents many advantages, including safe, pleasant, and convenient pedestrian circulation, minimal conflict between pedestrians and vehicles, and the provision of the opportunity for continuous pedestrian oriented uses and activities; and

WHEREAS, the City of Atlanta desires to encourage opportunities for economic development, both residential and commercial, in Midtown; and

WHEREAS, some of the existing distance requirements found in the City of Atlanta Alcoholic Beverage Code prohibit the existence or expansion of certain businesses located in Midtown that are desirable to and compatible with the community and the plans to develop a mixed-use neighborhood; and

WHEREAS, there already exists in the City of Atlanta Alcoholic Beverage Code an exemption from distance requirements for establishments which sell alcoholic beverages for on premises consumption if the establishment is located on Peachtree Street or Road or any property located within a shopping center which has a frontage of at least 200 feet on Peachtree Street or Road;

WHEREAS, the City of Atlanta desires to allow the sale of packaged wine and malt beverages in establishments located on Peachtree Street or Road within these new developments provided that the establishments meet certain requirements; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. That Chapter 10, Article II, Division , of the City of Atlanta Code of Ordinances be amended to create a new section 10-93 which shall read as follows:

Section 10-93. Exemption for the sale of wine and/or malt beverages by the package in the Midtown Community Improvement District along Peachtree Street or Road.

Any applicant for a license to sell wine and/or malt beverages by the package, and not distilled spirits by the package, shall be exempt from the distance requirement provided for in Section 10-88.1(b)(5) of the City Code of Ordinances from churches or similar places of religious worship if the location for which the license is being sought and the applicant for such license meet the following requirements:

- (1) The location for which a license to sell wine and/or malt beverages is being sought must have an address on Peachtree Street or Road, and it must be within the area designated by the City as the Midtown Community Improvement District; and

(2) At the time of filing the first application, ~~at the premises,~~ the applicant for the license to sell wine and/or malt beverages by the package, or his agent, must hold a current license in the City of Atlanta to sell beer and/or wine for consumption on the premises in a restaurant which has a Peachtree Street or Road address and which is located immediately adjacent to the location for which the applicant is seeking a license to sell wine and/or malt beverages by the package. For purposes of this code section, the term "immediately adjacent to" shall mean directly next door or side by side to each other.

(3) In conjunction with the sale of wine and/or malt beverages by the package in the new location, the applicant must sell food to be consumed off premises which is prepared in the kitchen of the restaurant located immediately adjacent to the location which will sell packaged wine and/or beer.

Section 2. Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 05, 2001
NOV 13, 2001

RCS# 3229
11/05/01
4:51 PM

Atlanta City Council

Regular Session

01-O-1701 Exemptions for licensed alcohol sellers
 in Midtown Community Improv. District
 ADOPT ON SUB

YEAS: 8
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

NV McCarty	N Dorsey	N Moore	Y Thomas
Y Starnes	Y Woolard	N Martin	Y Emmons
NV Bond	Y Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	N Boazman	NV Pitts

01-O-1701

01-0-1701

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCILMEMBER

Darryl Smith

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE 1 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO CREATE A NEW SECTION 10-93 TO PROVIDE AN EXEMPTION FOR ESTABLISHMENTS LICENSED TO SELL WINE AND/OR MALT BEVERAGES BY THE PACKAGE WHICH ARE LOCATED WITHIN THE MDTOWN COMMUNITY IMPROVEMENT DISTRICT, ARE ON PEACHTREE STREET OR ROAD, ARE ADJACENT TO RESTAURANTS WHICH HOLD LICENSES TO SELL ALCOHOLIC BEVERAGES FOR ON THE PREMISES CONSUMPTION, AND WHICH MEET OTHER REQUIREMENTS; AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 05 2001

COUNCIL

- Substitute*
- ☐ CONSENT REFER
 - ☐ REGULAR REPORT REFER
 - ☐ ADVERTISE & REFER
 - ☐ 1st ADOPT 2nd READ & REFER
 - ☒ PERSONAL PAPER REFER

Date Referred

10/15/01

Referred To:

Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
NOV 5 2001

ATLANTA CITY COUNCIL PRESIDENT

Barbara A. Pitts

CERTIFIED
NOV 05 2001

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
NOV 13 2001
MAYOR